

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13576, of Philip A. and Gillian M. McCombs, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22), the floor area ratio requirements (Sub-section 3302.1 and Paragraph 7107.23) and from the prohibition against allowing an addition to an existing structure which now exceeds the floor area ratio requirements (Paragraph 7107.21) to construct a rear deck to an existing non-conforming semi-detached structure in an R-5-B District at the premises 1906 Calvert Street, N.W., (Square 2546, Lot 26).

HEARING DATE: October 21, 1981

DECISION DATE: November 4, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District on the south side of Calvert Street between Cliffbourne Place and Biltmore Street, N.W.

2. The subject property is nineteen feet wide by fifty-three feet deep. It has an area of 1,007 square feet. A sixteen foot wide public alley adjoins the lot on its west side.

3. The subject property is improved with a three story plus basement brick structure which extends for the full width of the lot. The property is currently used as a flat, with one dwelling unit in the basement and one unit on the upper three floors.

4. The property presently has a rear yard of ten feet.

5. The applicant propose to construct a wood deck to cover the entire rear yard. The deck would be at the level of the first floor, approximately nine feet above the level of the adjacent alley.

6. The R-5-B District requires a rear yard of fifteen feet. The existing building is thus non-conforming. With the proposed deck, no rear yard would be provided. A variance of the full fifteen feet is required.

7. The R-5-B District permits a maximum floor area ratio of 1.8. For the subject lot, this would allow a gross

floor area of 1,812.6 square feet. The existing building already contains 2,344 square feet. The area to be covered by the deck and to be included within the exterior walls of the structure is 193.6 square feet. The total proposed gross floor area is 2,537.6 square feet. A variance of 725 square feet is requested.

8. Without a rear deck, there would be no access to the rear yard of the property from the main dwelling unit of the house. No deck could be constructed without a variance.

9. The basement apartment receives its light and air from windows along the alley and the front of the house. The construction of the deck would not adversely affect light and air to that unit, or to other surrounding dwellings.

10. There are many other existing decks on surrounding and nearby property. These decks are both larger and smaller than the subject proposal. No apparent adverse effect results from these decks.

11. The applicant propose to park a car under the deck in the rear yard.

12. The tenant of the basement apartment in the subject building submitted a letter to the record supporting the application.

13. The owners of the adjoining properties to the east and west submitted letters to the record in support of the application.

14. There was no report from Advisory Neighborhood Commission - 1C.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:


Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the lack of access to the rear yard is an exceptional condition. The Board concludes that strict application of the regulations would cause a practical difficulty for the owners in that no deck could be constructed. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning

Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune and Douglas J. Patton to GRANT; William F. McIntosh to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JAN 11 2002

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.